

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Donna M. Trusky on behalf of herself
and all others similarly situated,

Plaintiff,

v.

Case No.: 11-12815

General Motors Company,

Honorable Sean F. Cox

Defendant.

ORDER TO SHOW CAUSE

Plaintiff filed this action on June 29, 2011, asserting that “[t]his Court has subject matter jurisdiction pursuant to the Class Action Fairness Act, as the claims alleged herein are asserted on behalf of a class of all persons in the United States who purchased model year 2007 and 2008 Chevrolet Impalas.” (Compl. at ¶ 7).

“[F]ederal courts have an independent obligation to investigate and police the boundaries of their own jurisdiction.” *Douglas v. E.F. Baldwin & Assocs., Inc.*, 150 F.3d 604, 607 (6th Cir. 1998). Having reviewed Plaintiff’s complaint, the Court is not persuaded that Plaintiff has adequately alleged the necessary facts to establish jurisdiction. Accordingly, the Court will order Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction.

The Class Action Fairness Act “amended the federal diversity statute to provide federal jurisdiction in class actions where the amount in controversy exceeds \$5,000,000 and there is some diversity of parties.” *In re UPS Supply Chain Solutions, Inc.*, 2008 WL 4767818 (6th Cir. 2008) (citing 28 U.S.C. § 1332(d)).

Here, the complaint alleges that Plaintiff Donna M. Trusky is a consumer “residing” in Pennsylvania, but does not include allegations as to her *citizenship*. *See, e.g., Leys v. Lowe’s Home Centers, Inc.*, 601 F.Supp.2d 908, 911-12 (W.D. Mich. 2009) (For purposes of diversity jurisdiction, residency does not equal citizenship.).

In addition, the complaint does not appear to include specific allegations that the amount in controversy exceeds \$5,000,000.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, on or before **July 26, 2011**, why this case should not be dismissed for lack of subject matter jurisdiction.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 13, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 13, 2011, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager